



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,086	08/21/2003	John E. Irvine	11314-1110	7298
24504	7590	08/22/2005	EXAMINER	
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP 100 GALLERIA PARKWAY, NW STE 1750 ATLANTA, GA 30339-5948			LEE, JONG SUK	
			ART UNIT	PAPER NUMBER
			3673	

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/645,086

Applicant(s)

IRVINE, JOHN E.

Examiner

Jong-Suk (James) Lee

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-8, 10-12 and 16-26 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 9, 13-15 and 27-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 12, 2005 has been entered.

2. The amendment filed May 12, 2005 has been entered.

Claim Objections

3. Claim 1 is objected to because of the following informalities:

Claim 1, line 13: "configured to not protrude" should be -- configured not to protrude --.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-3, 5, 9, 13-15 and 33-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 3673

Re claim 1: The limitation, "said inner wall section" in line 7-8 lacks clear antecedent basis. Claims 2, 3, 5, 9 and 13-15 are dependent upon claim 1.

Re claim 33: The limitation, "said material" in line 17 lacks clear antecedent basis.

Claims 34-36 are dependent upon claim 33.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Application'937 (JP 09-095937).

Japanese Patent Application'937 discloses a sheet pile comprising a series of duplicate structural panels positioned in edge-to-edge interlocked relationship, said structural panels formed of resin material, and a strengthening sheet having been encased within said resin material by metal molding with hot pressing of the resin material about the strengthening sheet of each said panel, so that said strengthening sheet provides additional strength to said resin material and the structural panels can be driven into the earth and said strengthening sheet is

Art Unit: 3673

shielded from contact with the atmosphere by said resin material, wherein said strengthening sheet is metal (see Figs. 1-4; English translated abstract).

Although Japanese Patent Application'937 fails to specifically disclose the extrusion of resin material about the strengthening sheet, it is considered that the hot pressing the resin with metal sheet in a metal mold should be the equivalent as the extrusion of the metal encased by resin material within ordinary skill in the art.

8. Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Application'937 (JP 09-095937) in view of Golcheh (US 6,675,547). The teachings of Japanese Patent Applicatin'937 have discussed above.

However, Japanese Patent Application'937 fails to disclose or fairly suggest an anchor bars mounted to the panels and anchor sheets to connected to anchor bars for burying them into the soil to hold the barrier wall upright.

Golcheh discloses a method for building a retaining wall comprising a plurality of panels (2), anchor bars (5) being mounted to the panel by rib (24) and bar (31) assembly, the anchor bars being connected to anchoring sheet (9) for being buried into the soil (see Fig. 9; col.7, lines 13-63).

Therefore, in view of Golcheh, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add the anchoring assembly to the panel structure in order to enhance the reinforcement when being installed in the soil and the soil retaining function.

Art Unit: 3673

Response to Arguments

9. Applicant's arguments with respect to amended claims 1, 16 and 33 have been fully considered and are persuasive. The art rejections of over the above mentioned independent claims and dependent claims thereupon have been withdrawn.

Applicant's arguments with respect to amended claim 27 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

10. Claims 6-8, 10-12 and 16-26 would be allowable over the prior art of record.

11. Claims 1-3, 5, 9, 13-15 and 33-36 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Other reference cited discloses a reinforcing method of anti-corrosive coating section of steel sheet pile.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jong-Suk (James) Lee whose telephone number is (571)272-7044. The examiner can normally be reached on 6:30 am to 3:00 pm, Monday thru Friday.

Art Unit: 3673

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on (571) 272-7049. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jong-Suk (James) Lee
Primary Examiner
Art Unit 3673

/jjl
August 18, 2005